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EXAMINER
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JEANTY, ROMAIN

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3623

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. This communication is in response to the communication received September 16, 2005.  
Claims are pending in the application.

### **Response to Arguments**

2. Applicant's arguments filed September 15, 2005 have been fully considered but they are not persuasive.

### **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 10-11, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10-11, 20 recite the phrase "capable of" on lines 2 and 8, which renders the claims indefinite because it is unclear whether the limitation (s) following the phrase are part of the claimed invention. Appropriate correction is needed.

Claim 1 further recites the limitation "said work" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Any other claims that depend from the above independent claims also suffer the same deficiency.

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 9-12, 19, 19-22, 29-30 are rejected under 35 U.S.C 103(a) as being unpatentable by Shkedy (U.S. Patent No. 6,260,024) in view of McAtee (U.S. Patent No. 5,301,320).

As per claim 1, 9-12 and 15-16, 19-22, and 29-30, Shkedy discloses a systems and methods for providing a global bilateral buyer-driven system for creating binding contracts between sellers and buyers. In so doing, Shkedy discloses a main controller "i.e. a central controller for receiving a forward purchase order from and creating" capable of creating a first work flow record used to control a first work flow associated with a first service request and storing said first work flow record in a storage device associated with said main controller main controller or (i.e., creating an actual order) (See figure 17, element S204 and col. 5, lines 41-48), generating a status record of the purchase order information in a remote server associated with the central controller (i.e., the order status module for generating order status record)(col. 5, lines 52-65); the central controller transmitting messages between the sellers and buyers regarding the status record of the purchase order (col. 17, lines 24-32); wherein said main controller is further capable of receiving from a first customer and a first vendor associated with said first work flow at least one of messages, storing said at least one of messages, in said storage device, and

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transferring at least one of said at least one of messages, to at least one of said first customer and said first vendor (i.e. a message database for storing messages received between a seller and a buyer) (col. 12, lines 29-55);

an account controller associated with said main controller capable of identifying at least one fee associated with said first work flow and storing fee data associated with said at least one fee in said first work flow record (i.e. charging a flat fee for the forward purchase order (col. 18, lines 23-48).

Shkedy does not explicitly disclose wherein said work flow is at least partially executed by said receiving, storing and transferring said at least one messages. McAtee in the same field of endeavor, discloses a computer system that can be configured to define, execute, monitor and control the flow of business operations. In so doing, McAtee discloses a workflow is at least partially executed by said receiving, storing and transferring said at least one messages (col. 3 line 62 through col. 4 lines 68). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the disclosures of Shkedy to incorporate the teachings of McAtee with the motivation to execute monitor and control the flow of business operations.

As per claim 2, Shkedy does not explicitly disclose wherein said first work flow record comprises a plurality of work flow definitions defining at least one process step to be performed by at least one of said main controller, said accounting controller, a first customer processing device associated with said first customer, and a first vendor processing device associated with said first vendor. McAtee in the same field of endeavor, discloses a computer system that can be configured to define, execute, monitor and control the flow of business operations comprising a

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database of workflow definitions (col. 6, lines 7-13). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Shkedy to include the teachings of McAtee. A person having ordinary skill in the art would have been motivated to use a modification with the motivation to execute monitor and control the flow of business operations.

As per claim 12, Shkedy does not explicitly disclose wherein said first work flow record comprises a plurality of work flow definitions defining at least one process step to be performed by at least one of said main controller, said accounting controller, a first customer processing device associated with said first customer, and a first vendor processing device associated with said first vendor. McAtee in the same field of endeavor, discloses a computer system that can be configured to define, execute, monitor and control the flow of business operations comprising a database of workflow definitions (col. 6, lines 7-13). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Shkedy to include the teachings of McAtee. A person having ordinary skill in the art would have been motivated to use a modification with the motivation to execute monitor and control the flow of business operations.

7. Claims 3, 4, 13-14 and 23-24 are rejected under 35 U.S.C 103(a) as being unpatentable over Shkedy (U.S. Patent No. 5,9874,22) in view of McAtee (U. S. Patent No. 5,987,422) as applied to claims 1, 11 and 21 above and further in view of Flores (U.S. Patent No. 6,073,109).

As per claims 3-4, 13-14 and 23-24, the combination of Shkedy and McAtee et al does not explicitly disclose which party modifies the work orders or the work plan. However, a customer or vendor can modify work orders based on the price it will cost to repair a customer's

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equipment or the time it will take to fix or repair the equipment. Usually customers and vendor negotiate on prices. Therefore, allowing a customer or vendor to modify the work flow definitions would have been obvious to a person of ordinary skill in the art in order to have a dynamic or a flexible system.

Furthermore, Flores et al discloses computerized method and system for managing business processes using linked workflow which modifies workflow definitions (col. 26, lines 62 through col. 27 line 55). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Shkedy and McAtee to include a workflow definitions modification as evidenced by Flores et al. A person having ordinary skill in the art would have been motivated to use a modification because it would enable an application builder to create modify and delete definition documents in a database.

#### **Allowable Subject Matter**

8. Claims 5-8, 15-18, 25-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### **Response to Arguments**

9. Applicants asserted that Shkedy does not disclose the claimed invention. Applicants further supported their assertion by arguing that Shkedy does not discloses the concept of a customer (buyer) transferring messages through a main controller in response to a vendor inquiry. In response, the examiner respectfully disagrees with applicants' arguments because

Shkedy clearly discloses the concept of exchanging messages between the buyer and the seller.

Note col. 11, lines 21-31.

In response to applicant's arguments (Pages 21-22) the references fails show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., ...asking one or more questions or **requesting additional documents**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicants' arguments that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner notes that McAtee clearly teaches the system of executing a workflow for clients "sellers and vendors". Combining

Applicants further argued (Page 25) that there is nothing in the Shkedy reference that suggests combining the teachings of the McAtee reference with the teachings of the Shkedy reference and there is nothing in the McAtee reference that suggests the teachings combining the teachings of the Shkedy reference. In response, the examiner respectfully disagrees with applicants' arguments because Shkedy discloses the concept of transmitting message to users of the system and McAtee teaches the system of executing a workflow in a business environment.



Therefore, combining Shkedy and McAtee would have been obvious to a person of ordinary skill in the art with the motivation to control the flow of business.

Applicants further argued (Page 27) that there is no mention in either Shkedy or McAtee of a “plurality of workflow definitions defining at least one process step to be performed by at least one of said main controller. In response, the examiner respectfully disagrees with applicants’ arguments because McAtee clearly teaches the concept of a workflow definitions. Note col. 3 line 62 through col. 4 line 3. Incorporating the workflow definition of McAtee into Shkedy would have been obvious to a person of ordinary skill in the art in order to control the workflow operations.

Applicants further argued that there is no mention in either Shkedy or McAtee of a primary workflow record associated with a service request and a secondary work flow record associated with a second request. In response, the examiner concedes that neither Shkedy or McAtee fails to teach applicants’ claimed feature.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Dialog “IBM’S MQSeries Workflow Automates Business Process to Help Companies Compete in E-Business”, discloses providing services to customers for a fee.
- b. Giovannoli (U.S. Patent No. 5,842,178) discloses a computer based communications network for processing requests for quotation for services by broadcasting such

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requests to network members of the computerized system over any conventional transmitting medium.

c. Sarin et al (A Process Model and System for Supporting Collaborative Work) discloses a method for charging customers for services rendered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Romain Jeanty  
Primary Examiner  
Art Unit 3623  
12/12/05